

M. B. Blah  
P.L.I

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

9046

FILE: B-192231

DATE: February 5, 1979

MATTER OF: Clifford R. Nelson Foreign Service Officer and  
Travel Expenses CLAIM

- DIGEST:
1. Foreign Service employee was transferred from Laramie, Wyoming, to Washington, D.C. He submitted a claim for mileage for two automobiles, per diem for seven persons for 7 days, and temporary lodgings in the Washington, D.C. area. Claim for temporary lodging is disallowed since transfer was between two posts within the United States and Foreign Service Travel Regulations do not authorize reimbursement for such relocation expenses.
  2. Foreign Service employee was transferred from Laramie, Wyoming, to Washington, D.C. He submitted a claim for mileage for two automobiles, per diem for seven persons for 7 days, and temporary lodgings in the Washington, D.C. area. Claim for per diem is reduced to 4½ days based upon 6 FAM 145.4-2 which establishes 350 miles per day as the normal driving distance per day in the United States.
  3. Foreign Service employee was transferred from Laramie, Wyoming, to Washington, D.C. He submitted a claim for mileage for two automobiles, per diem for seven persons for 7 days, and temporary lodgings in the Washington, D.C. area. Claim for the use of second automobile is allowed since transportation for a cross-country trip of this many people and their luggage in one automobile cannot reasonably be expected. While 6 FAM 165.1 precludes the shipment of more than one automobile at Government expense, no such restriction is contained in 6 FAM 145.2a(2) which authorizes the use of a privately owned vehicle for transportation incident to transfer of official station.

AGC 00032

This action is in response to the request of Mr. Clifford R. Nelson, an employee of the Department of State, for reconsideration of the Claims Division settlement dated May 4, 1977, which denied his claim for reimbursement of certain expenses incurred in connection with his transfer of duty station from Laramie, Wyoming, to Washington, D.C.

Title

[CLAIM of TRAVEL EXPENSES by FOREIGN SERVICE OFFICER]

Within United States 003424

*[Handwritten signature]*

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Mr. Nelson has now enlarged his claim and is claiming reimbursement of certain expenses incurred incident to his transfer from Casablanca, Morocco, to Laramie, Wyoming. This part of Mr. Nelson's claim is being referred to our Claims Division for consideration and he will be notified of the action taken.

The record shows that Mr. Nelson was transferred from Laramie, Wyoming, to Washington, D.C., and that he and his family traveled by automobile pursuant to Travel Authorization No. 4-63874, dated May 16, 1974. He subsequently claimed reimbursement in the amount of \$2,290.72 for travel expenses, \$552 for mileage for two automobiles, \$1,225 for per diem for seven persons for 7 days, and \$513.72 for temporary lodgings in the Washington, D.C. area. The Department of State suspended payment of \$352.68 reflecting the use of one automobile with reduced mileage, and suspended \$493.75 of the per diem claim by allowing payment for 4½ days and six and one-half persons (one child was under 11 years of age (section 151 of the regulations)). In addition, \$513.72 claimed for temporary lodgings in Washington, D.C., was disallowed. The Claims Division's settlement of May 4, 1977, sustained the disallowance of these items in the amount of \$1,360.15.

Mr. Nelson contends that the disallowance of \$352.68 by limiting his family of seven persons to one car for the trip from Laramie to Washington, D.C., and requiring that this size family do a minimum of 350 miles per day (resulting in a disallowance of \$493.75 in per diem) is unfair and should be reconsidered. Also, Mr. Nelson feels that a diplomat-in-residence assignment is comparable to going to a new post overseas and hence it could be argued that Washington, D.C., was his first assignment after Casablanca, Morocco, for temporary lodging allowances within the purview of the regulations.

Regarding the claim for \$513.72 for temporary lodging allowances in Washington, D.C., as a Foreign Service employee, Mr. Nelson's entitlement to allowances is governed by the Foreign Service Act of 1946, 22 U.S.C. 801 et seq., and the implementing regulations. B-188467, November 21, 1977. The home service transfer allowance (HSTA) is authorized by section 250 of the Standardized Regulations (Government Civilians, Foreign Areas). The HSTA is only authorized where there is a transfer from a foreign post to a post within the United States. Since

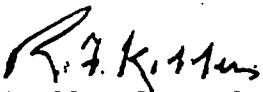
*Dept. of State Stand. Reg. 250*

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Mr. Nelson was transferred from Laramie to Washington, D.C., both points being within the United States, he is not entitled to HSTA.

Regarding the disallowance of  $2\frac{1}{2}$  days' per diem for travel-time based upon the 350 miles per day minimum, 6 FAM 145.4-2 provides that in the United States, 350 miles per day is considered the normal driving distance. While that section permits additional per diem in certain circumstances, the circumstances detailed by Mr. Nelson do not fall within those set forth at section 145.4-2, and therefore, do not provide a basis for increasing his entitlement to per diem for traveltime in excess of that normally required. Compare, B-162662, November\*8, 1967. We find, therefore, that the Claims Division was correct in using the standard mileage guides to determine the approximate time required to travel the distance at 350 miles per day to compute the per diem allowance.

Regarding the claim for reimbursement for use of the second automobile, we note that Mr. Nelson was authorized expenses for himself and six dependents, all but two of whom were over the age of 11 years. Since transportation for a cross-country trip of this many people and their luggage in one automobile cannot reasonably be expected, payment for the use of two automobiles may be authorized. In this regard, we note that while 6 FAM, 165.1 (November 14, 1973) precludes the shipment of more than one automobile at Government expense, no such restriction is contained in 6 FAM 145.2(a) (January 11, 1974) which authorizes the use of a privately owned vehicle for transportation incident to transfer of official station. Accordingly, a settlement will be issued in the amount found due.

  
Deputy Comptroller General  
of the United States